

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

COLIN C. RUDY , on behalf of himself and others similarly situated,	§	
	§	
	§	
Plaintiff,	§	
v.	§	Civil Action No. 3:08-CV-0904-L
	§	
CONSOLIDATED RESTAURANT COMPANIES INC., et al. ,	§	
	§	
	§	
Defendants.	§	

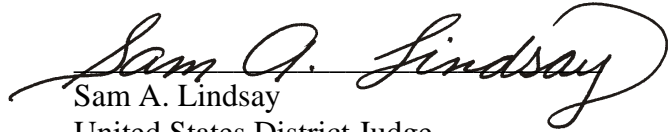
ORDER

Plaintiff Colin C. Rudy (“Plaintiff”) filed this class action suit against multiple defendants in the restaurant business on May 29, 2008. Plaintiff contends that Defendants were in violation of the Fair Labor Standards Act by requiring its employee waiters, such as Plaintiff, to pay a portion of their tips to the house. The court referred this case to United States Magistrate Judge Paul D. Stickney on December 18, 2008, for pretrial management. Multiple Defendants were terminated in this action over the past six months, but still pending are: 1) Plaintiff[’]s Motion for Partial Summary Judgment; and 2) Defendants’ Motion for Summary Judgment, both filed May 3, 2010. Magistrate Judge Stickney filed Findings, Conclusions, and Recommendation of the United States Magistrate Judge (“Report”) on August 18, 2010. Plaintiff filed no objections to the Report.

The magistrate judge recommends that the court grant Defendants’ Motion for Summary Judgment and deny Plaintiff[’]s Motion for Partial Summary Judgment. His recommendation relies on the record in this case, applicable law, and analysis of Plaintiff’s claims. The court has conducted its own review of the Report, and finds it to be well-reasoned and well-taken. The court agrees with the findings of the magistrate judge.

Having reviewed the filings, record, applicable law, and the Report in this case, the court **determines** that the magistrate judge's findings and conclusions are correct. They are therefore **accepted** as those of the court. Accordingly, the court **grants** Defendants' Motion for Summary Judgment and **denies** Plaintiff['s] Motion for Partial Summary Judgment. Defendants have shown entitlement to judgment as a matter of law in this case. Plaintiff's claims are without merit and accordingly **dismissed with prejudice**. Pursuant to Rule 58 of the Federal Rules of Civil Procedure, a judgment will issue by separate document.

It is so ordered this 3rd day of September, 2010.


Sam A. Lindsay
United States District Judge